

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRUCE MCGRONE,

Plaintiff,

vs.

THE STATE OF NEBRASKA,

Defendant.

8:17CV326

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On June 26, 2017, Plaintiff filed a Complaint against the Nebraska Department of Corrections, the warden of the Diagnostic and Evaluation Center (“DEC”), and Corporal Sorenson, who is employed at DEC. With his Complaint, Plaintiff filed a Motion for Leave to Proceed in Forma Pauperis. The documents were assigned Case No. 8:17-cv-222. The court granted Plaintiff leave to proceed in forma pauperis and, on initial review, ordered Plaintiff to file an amended complaint by September 11, 2017, that states a claim upon which relief may be granted.

On September 6, 2017, Plaintiff filed a Complaint, on a new form, against the State of Nebraska with another Motion for Leave to Proceed in Forma Pauperis. ([Filing No. 1.](#)) Plaintiff filed separately a “Statement of Claim,” which set forth his factual allegations. ([Filing No. 2.](#)) The clerk’s office understandably opened a new case, and the documents were assigned the current case number. However, Plaintiff’s current factual allegations concern the same incident for which he sought relief in Case No. 8:17-cv-222. Therefore, it appears to the court that Plaintiff intended to file an Amended Complaint per the court’s Memorandum and Order in Case No. 8:17-cv-222 and not to file a new case when he filed the current documents. Accordingly,

IT IS THEREFORE ORDERED that:

1. The clerk of the court shall statistically close *McGrone v. The State of Nebraska* Case No. 8:17-cv-326.
2. The clerk of the court shall take Filing Nos. 1 and 2 in Case No. 8:17-cv-326 and file them in *McGrone v. Department of Corrections State of Nebraska et al* Case No. 8:17-cv-222 together as an Amended Complaint.
3. Plaintiff shall disregard the court's Memorandum and Order dated September 7, 2017, in Case No. 8:17-cv-326 that ordered him to pay the \$400 filing fee or submit a request to proceed in forma pauperis. The next step is for the court to review Plaintiff's Amended Complaint in its normal course of business.

Dated this 12th day of September, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge